



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject:</b> Ordinance No. 6304		<b>Date:</b> April 13, 2010		
<b>Department:</b> Legal	<b>Attachments:</b> Ordinance No. 6304	<b>Budget Impact:</b> None		
<b>Administrative Recommendation:</b> City Council introduce and adopt Ordinance No. 6304.				
<b>Background Summary:</b>  Ordinance No. 6304 amends Section 6.35.030 of the Auburn City Code relating to dangerous dogs. The current provisions of the Code include requirements for fencing and securing dangerous and potentially dangerous dogs. However, the current parameters for fencing of potentially dangerous dogs does not specify the types of fence other than to reference a requirement that the fence be reasonably designed to prevent the dog from running free and unrestrained.  The proposed amendment requires that the fence be either six feet tall, as measured from the ground, or have a secure top ensuring full enclosure.  A0419-1  O1.1				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Reviewed by Council &amp; Committees:</b>  <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Arts Commission  <input type="checkbox"/> Airport  <input type="checkbox"/> Hearing Examiner  <input type="checkbox"/> Human Services  <input type="checkbox"/> Park Board  <input type="checkbox"/> Planning Comm.           </div> <div> <b>COUNCIL COMMITTEES:</b>  <input type="checkbox"/> Finance  <input type="checkbox"/> Municipal Serv.  <input type="checkbox"/> Planning &amp; CD  <input type="checkbox"/> Public Works  <input type="checkbox"/> Other _____           </div> </div> </td> <td style="width: 50%; vertical-align: top;"> <b>Reviewed by Departments &amp; Divisions:</b>  <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input type="checkbox"/> Legal  <input type="checkbox"/> Public Works  <input type="checkbox"/> Information Services           </div> <div> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources           </div> </div> </td> </tr> </table>			<b>Reviewed by Council &amp; Committees:</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Arts Commission  <input type="checkbox"/> Airport  <input type="checkbox"/> Hearing Examiner  <input type="checkbox"/> Human Services  <input type="checkbox"/> Park Board  <input type="checkbox"/> Planning Comm.           </div> <div> <b>COUNCIL COMMITTEES:</b>  <input type="checkbox"/> Finance  <input type="checkbox"/> Municipal Serv.  <input type="checkbox"/> Planning &amp; CD  <input type="checkbox"/> Public Works  <input type="checkbox"/> Other _____           </div> </div>	<b>Reviewed by Departments &amp; Divisions:</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input type="checkbox"/> Legal  <input type="checkbox"/> Public Works  <input type="checkbox"/> Information Services           </div> <div> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources           </div> </div>
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<b>Action:</b> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No                      Call for Public Hearing    __/__/__ Referred to _____ Until __/__/__ Tabled _____ Until __/__/__				
<b>Councilmember:</b> Pelosa		<b>Staff:</b> Heid		
<b>Meeting Date:</b> April 19, 2010		<b>Item Number:</b> VIII.A.3		

**ORDINANCE NO. 6 3 0 4**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AUBURN, WASHINGTON, AMENDING  
SECTION 6.35.030 OF THE AUBURN CITY CODE  
RELATING TO DANGEROUS DOGS**

WHEREAS, the current provisions of the Auburn City Code include requirements for fencing and securing dangerous dogs and potentially dangerous dogs as defined therein; and

WHEREAS, the current parameters for fencing of potentially dangerous dogs does not specify the types of fence other than to reference a requirement that the fence be reasonably designed to prevent the dog from running free and unrestrained; and

WHEREAS, in order to adequately secure the safety of persons who may be in the vicinity of a fenced in or enclosure area containing a potentially dangerous dog, it is appropriate to specify certain minimum fence criteria, to wit: requiring the fence to either be six feet tall, as measured from the ground, or requiring the enclosure area to have a secure top.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Amendment to City Code.** That section 6.35.030 of the Auburn City Code be and the same hereby is amended to read as follows:

6.35.030 Dangerous dogs and potentially dangerous dogs – Requirements for restraint.

A. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the proper enclosure, as defined and described in ACC 6.35.010(D), unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a

manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

B. It is unlawful for an owner of a potentially dangerous dog to permit the dog to be allowed or permitted to run free and unrestrained or off leash or not otherwise under physical restraint of a responsible person, unless within a fenced yard or similar restraint reasonably designed to prevent the dog from running free and unrestrained. It is provided, however, that the top of such fence shall be six feet in height as measured from the ground level, unless there is secured top – full enclosure – to the fenced-in area; and it is further provided that such fence or enclosure area shall comply with all applicable City Codes.

C. It is unlawful for an owner of a dangerous dog or a potentially dangerous dog to permit the dog to be walked outside the proper enclosure by anyone under the age of 16 years.

D. The owners of dangerous dogs and potentially dangerous dogs are responsible for taking all reasonable measures to assure that the dogs do not escape the above restraints, the failure of which responsibility shall constitute a violation of this chapter, punishable pursuant to ACC 6.35.040. The failure of the owner of a dangerous dog to comply with the requirements for dangerous dog registration shall also constitute a violation of this chapter, punishable pursuant to ACC 6.35.040. (Ord. 6244 § 3, 2009; Ord. 5996 § 1, 2006; Ord. 5829 § 1, 2004.)

**Section 2. Implementation.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**Section 3. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 4. Effective date.** This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

**CITY OF AUBURN**

\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid, City Attorney

Published: \_\_\_\_\_